IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

WEALTH TAX REFERENCE No.46 of 1994

For Approval and Signature:
HON'BLE MR.JUSTICE D.A.MEHTA Sd/-

HON'BLE MS.JUSTICE H.N.DEVANI Sd/-

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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COMMISSIONER OF WEALTH-TAX - Applicant(s)
Versus
ANILKUMAR MANILAL VIRANI - Respondent(s)

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Appearance :
MRS MM BHATT for MR RP BHATT for Applicant No(s).: 1.
NOTICE UNSERVED for Respondent No(s).: 1.

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CORAM : HON'BLE MR.JUSTICE D.A.MEHTA
and
HON'BLE MS.JUSTICE H.N.DEVANI
Date : 03/08/2005

ORAL JUDGMENT

(Per : HON'BLE MS.JUSTICE H.N.DEVANI)

1. The Income-tax Appellate Tribunal, Ahmedabad Bench 'C', has referred the following question under Section 27(1) of the Wealth-tax Act, 1957 (the Act) at the instance of the Revenue.

> “Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in directing the WTO to adopt the value of Rs.217400/- in respect of the house in question as per the provisions of section 7(4) of the W.T.Act, 1957 ?”

The Assessment Year is 1984-85.

2. Heard Ms.M.M.Bhatt, learned Standing Counsel for the applicant – Revenue. The respondent – assessee is not served. However, considering the view that the Court is inclined to take in the matter, it is not necessary to await service.

3. As can be seen from the order dated 16.08.1993 of the Tribunal, the Tribunal has followed its earlier decision in the assessee's own case involving the same property reported in [1988] 32 TTJ (Ahd) 258. It is an accepted position that an identical question arising from the said decision had been referred to this Court, which has been decided in favour of the assessee and against the Revenue, by a decision reported in Commissioner of Wealth-tax Vs. Anilkumar M. Virani, [2002] 258 ITR 81.

4. Considering the fact that the controversy involved in the present case stands concluded by the aforesaid decision, it is not necessary to set out the facts of the case in detail.

5. In light of the aforesaid decision, the question referred to this Court is answered in the affirmative i.e. in favour of the assessee and against the Revenue.

6. The reference stands disposed of accordingly. There shall be no order as to costs.

Sd/-
[D.A. MEHTA, J]

Sd/-
[H.N. DEVANI, J]

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*Bhavesh**